

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 14-30 are presently active in this case. The present Amendment amends Claims 14-18 and 24-26; and adds Claims 27-30.

The outstanding Office Action objected to Claim 24 because of an informality. Claims 14 and 26 were rejected under 35 U.S.C. § 103(a) as unpatentable over Berger (U.S. Patent Publication No. 2003/0121343) in view of Kamiya (U.S. Patent Publication No. 2001/0025535).

Claims 15-25 were indicated as allowable if rewritten in independent form. Applicant acknowledges with appreciation the indication of allowable subject matter. In response, Claim 15 is rewritten in independent form, and Claims 16-18 and 24-26 are amended so that Claims 16-26 depend, either directly or indirectly, from allowable Claim 15. Thus, Claims 15-26 are believed to be allowable.

In response to the objection of Claim 24, Claim 24 is amended to correct the noted informality.

In response to the rejection of independent Claim 14 under 35 U.S.C. §103(a), Claim 14 is amended to specify that the selection drum is fixed axially. This feature finds support in the disclosure as originally filed, for example in original Claim 2 and at page 6, lines 8-17. Claim 14 is further amended to recite that the common selector is configured to assure selection of and shifting between multiple (instead of all) gear ratios of the mechanical gearbox. This feature finds non-limiting support in the disclosure as originally filed, for example at page 11, lines 7-9 and 18-20. New dependent Claims 17-20, which depend from Claim 14, also find support in the disclosure as originally filed, for example in original

Claims 2-3 and at page 6, lines 8-17. Therefore, the changes to the claims are not believed to raise a question of new matter.

In view of the above amendment to Claim 14, Applicant respectfully requests reconsideration of the rejection of this claim and traverses the rejection. Claim 14 was rejected based on the assertion that Kamiya teaches "a common selector composed of a selection drum 90 and a shift carriage 66 concentric with the drum."¹ In the Kamiya system, however, the interlock member 90 is not fixed axially. Instead, the Kamiya patent teaches that the interlock member 90 is axially movable. See e.g., page 3, right column, lines 7-8. Therefore, even if the combination of the Berger and Kamiya patents is assumed to be proper, the combination fails to teach every element of the claimed invention. Specifically, the combination fails to teach the claimed common selector composed of a selection drum that is *fixed axially* and a shift carriage concentric with the selection drum and disposed in the interior thereof, the common selector being configured to assure selection of and shifting between multiple gear ratios of a mechanical gearbox. Accordingly, Applicant respectfully traverses, and requests reconsideration of, the rejection of Claim 14 based on these patents.² The combination of applied references also fails to teach the features of new Claims 27-30, in combination with those of Claim 14. Thus, Claims 27-30 are further believed to be allowable over the applied prior art.

Finally, Applicant notes that Form PTO-892 listed FR2873376, but the Office Action was mailed with FR2873776. Since FR2873776 names Fournier et al. as inventors and seems to be relevant to the field of the present invention, Applicant assumes that the reference

¹ Office Action, at page 2, last four lines.

² See MPEP 2142 stating, as one of the three "basic criteria [that] must be met" in order to establish a *prima facie* case of obviousness, that "the prior art reference (or references when combined) must teach or suggest all the claim limitations," (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

Application No. 10/543,154
Reply to Office Action of March 10, 2008

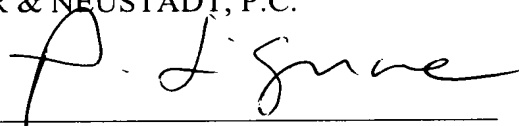
considered by the Examiner is FR2873776. If this is not correct, it is respectfully requested that the record be made clear in the next Office Action.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 14-30 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

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MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read "P. J. Signore", written over a horizontal line.

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